



House of Representatives

General Assembly

File No. 534

January Session, 2005

House Bill No. 6888

House of Representatives, April 26, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING EMPLOYEES OF THE BOARD OF PARDONS AND PAROLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-24 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The following officers may administer oaths: (1) The clerks of the
4 Senate, the clerks of the House of Representatives and the chairpersons
5 of committees of the General Assembly or of either branch thereof,
6 during its session; (2) state officers, as defined in subsection (t) of
7 section 9-1, judges and clerks of any court, family support magistrates,
8 judge trial referees, justices of the peace, commissioners of the Superior
9 Court, notaries public, town clerks and assistant town clerks, in all
10 cases where an oath may be administered, except in a case where the
11 law otherwise requires; (3) commissioners on insolvent estates,
12 auditors, arbitrators and committees, to parties and witnesses, in all
13 cases tried before them; (4) assessors and boards of assessment

14 appeals, in cases coming before them; (5) commissioners appointed by
15 governors of other states to take the acknowledgment of deeds, in the
16 discharge of their official duty; (6) the moderator of a school district
17 meeting, in such meeting, to the clerk of such district, as required by
18 law; (7) the first selectman, in any matter before the board of
19 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
20 and assistant medical examiners of the Office of the Medical Examiner,
21 in any matter before them; (9) registrars of vital statistics, in any matter
22 before them; (10) any chief inspector or inspector appointed pursuant
23 to section 51-286; (11) registrars of voters, deputy registrars, assistant
24 registrars, and moderators, in any matter before them; (12) special
25 assistant registrars, in matters provided for in subsections (b) and (c) of
26 section 9-19b and section 9-19c; (13) the Commissioner of Public Safety
27 and any sworn member of any local police department or the Division
28 of State Police within the Department of Public Safety, in all affidavits,
29 statements, depositions, complaints or reports made to or by any
30 member of any local police department or said Division of State Police
31 or any constable who is under the supervision of said commissioner or
32 any of such officers of said Division of State Police and who is certified
33 under the provisions of sections 7-294a to 7-294e, inclusive, and
34 performs criminal law enforcement duties; (14) judge advocates of the
35 United States Army, Navy, Air Force and Marine Corps, law
36 specialists of the United States Coast Guard, adjutants, assistant
37 adjutants, acting adjutants and personnel adjutants, commanding
38 officers, executive officers and officers whose rank is lieutenant
39 commander or major, or above, of the armed forces, as defined in
40 section 27-103, to persons serving with or in the armed forces, as
41 defined in said section, or their spouses; (15) investigators, deputy
42 investigators, investigative aides, secretaries, clerical assistants, social
43 workers, social worker trainees, paralegals and certified legal interns
44 employed by or assigned to the Public Defender Services Commission
45 in the performance of their assigned duties; (16) bail commissioners
46 employed by the Judicial Department in the performance of their
47 assigned duties; (17) juvenile matter investigators employed by the
48 Division of Criminal Justice in the performance of their assigned

49 duties; (18) the chairperson of the Connecticut Siting Council or the
50 chairperson's designee; (19) the presiding officer at an agency hearing
51 under section 4-177b; (20) family relations counselors employed by the
52 Judicial Department and support enforcement officers and
53 investigators employed by the Department of Social Services Bureau of
54 Child Support Enforcement and the Judicial Department, in the
55 performance of their assigned duties; (21) the chairperson, vice-
56 chairperson, [and] members and employees of the Board of Pardons
57 and Paroles, in the performance of their assigned duties; and (22) the
58 Commissioner of Correction or the commissioner's designee.

59 Sec. 2. Subsection (a) of section 1-217 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective from*
61 *passage*):

62 (a) No public agency may disclose, under the Freedom of
63 Information Act, the residential address of any of the following
64 persons:

65 (1) A federal court judge, federal court magistrate, judge of the
66 Superior Court, Appellate Court or Supreme Court of the state, or
67 family support magistrate;

68 (2) A sworn member of a municipal police department or a sworn
69 member of the Division of State Police within the Department of Public
70 Safety;

71 (3) An employee of the Department of Correction;

72 (4) An attorney-at-law who represents or has represented the state
73 in a criminal prosecution;

74 (5) An attorney-at-law who is or has been employed by the Public
75 Defender Services Division or a social worker who is employed by the
76 Public Defender Services Division;

77 (6) An inspector employed by the Division of Criminal Justice;

- 78 (7) A firefighter;
- 79 (8) An employee of the Department of Children and Families;
- 80 (9) A member or employee of the Board of Pardons and Paroles;
- 81 (10) An employee of the judicial branch; or
- 82 (11) A member or employee of the Commission on Human Rights
- 83 and Opportunities.

84 Sec. 3. Subsection (e) of section 14-10 of the general statutes is

85 repealed and the following is substituted in lieu thereof (*Effective from*

86 *passage*):

87 (e) In the event (1) a federal court judge, federal court magistrate or

88 judge of the Superior Court, Appellate Court or Supreme Court of the

89 state, (2) a member of a municipal police department or a member of

90 the Division of State Police within the Department of Public Safety, (3)

91 an employee of the Department of Correction, (4) an attorney-at-law

92 who represents or has represented the state in a criminal prosecution,

93 or (5) a member or employee of the Board of Pardons and Paroles

94 submits a written request and furnishes such individual's business

95 address to the commissioner, such business address only shall be

96 disclosed or available for public inspection to the extent authorized by

97 this section.

98 Sec. 4. Subsection (g) of section 46a-152 of the general statutes is

99 repealed and the following is substituted in lieu thereof (*Effective from*

100 *passage*):

101 (g) Nothing in this section shall be construed as limiting the justified

102 use of physical force by a local, state or federal law enforcement official

103 or an employee of the Board of Pardons and Paroles or the Department

104 of Correction responsible for the supervision of persons released on

105 parole while in the performance of such official's or employee's duties.

106 Sec. 5. Subsection (b) of section 51-5c of the general statutes is

107 repealed and the following is substituted in lieu thereof (*Effective from*
108 *passage*):

109 (b) (1) The following information contained in the registry of
110 protective orders shall not be subject to disclosure and may be
111 accessed only in accordance with this section, unless otherwise
112 ordered by the court: (A) Any information that would identify a
113 person protected by an order contained in the registry; (B) any
114 information that is confidential pursuant to state or federal law,
115 including, but not limited to, any information that is confidential
116 pursuant to a court order; and (C) any information entered in the
117 registry pursuant to an ex parte order prior to a hearing by a court
118 having jurisdiction over the parties and the subject matter.

119 (2) Any employee of the Judicial Department authorized by policies
120 and procedures adopted by the Chief Court Administrator shall have
121 access to such information. The Chief Court Administrator may grant
122 access to such information to personnel of the Department of Public
123 Safety, the Department of Correction, the Board of Pardons and
124 Paroles, the Psychiatric Security Review Board, the Division of
125 Criminal Justice, any municipal or tribal police department within this
126 state or any other agency, organization or person determined by the
127 Chief Court Administrator, pursuant to policies and procedures
128 adopted by the Chief Court Administrator, to have a legitimate interest
129 in the information contained in the registry. Any person who obtains
130 such information pursuant to this subdivision may use and disclose
131 the information only in the performance of such person's duties.

132 (3) Except as provided in subsection (c) of this section, the
133 information contained in the registry shall be provided to and may be
134 accessed through the Connecticut on-line law enforcement
135 communications teleprocessing system maintained by the Department
136 of Public Safety. Nothing in this section shall be construed to permit
137 public access to the Connecticut on-line law enforcement
138 communications teleprocessing system.

139 Sec. 6. Section 53a-22 of the general statutes is repealed and the

140 following is substituted in lieu thereof (*Effective from passage*):

141 (a) For purposes of this section, a reasonable belief that a person has
142 committed an offense means a reasonable belief in facts or
143 circumstances which if true would in law constitute an offense. If the
144 believed facts or circumstances would not in law constitute an offense,
145 an erroneous though not unreasonable belief that the law is otherwise
146 does not render justifiable the use of physical force to make an arrest
147 or to prevent an escape from custody. A peace officer or an authorized
148 official of the Department of Correction or the Board of Pardons and
149 Paroles who is effecting an arrest pursuant to a warrant or preventing
150 an escape from custody is justified in using the physical force
151 prescribed in subsections (b) and (c) of this section unless such warrant
152 is invalid and is known by such officer to be invalid.

153 (b) Except as provided in subsection (a) of this section, a peace
154 officer or authorized official of the Department of Correction or the
155 Board of Pardons and Paroles is justified in using physical force upon
156 another person when and to the extent that he reasonably believes
157 such to be necessary to: (1) Effect an arrest or prevent the escape from
158 custody of a person whom he reasonably believes to have committed
159 an offense, unless he knows that the arrest or custody is unauthorized;
160 or (2) defend himself or a third person from the use or imminent use of
161 physical force while effecting or attempting to effect an arrest or while
162 preventing or attempting to prevent an escape.

163 (c) A peace officer or authorized official of the Department of
164 Correction or the Board of Pardons and Paroles is justified in using
165 deadly physical force upon another person for the purposes specified
166 in subsection (b) of this section only when he reasonably believes such
167 to be necessary to: (1) Defend himself or a third person from the use or
168 imminent use of deadly physical force; or (2) effect an arrest or prevent
169 the escape from custody of a person whom he reasonably believes has
170 committed or attempted to commit a felony which involved the
171 infliction or threatened infliction of serious physical injury and if,
172 where feasible, he has given warning of his intent to use deadly

173 physical force.

174 (d) Except as provided in subsection (e) of this section, a person who
175 has been directed by a peace officer or authorized official of the
176 Department of Correction or the Board of Pardons and Paroles to assist
177 such peace officer or official to effect an arrest or to prevent an escape
178 from custody is justified in using reasonable physical force when and
179 to the extent that he reasonably believes such to be necessary to carry
180 out such peace officer's or official's direction.

181 (e) A person who has been directed to assist a peace officer or
182 authorized official of the Department of Correction or the Board of
183 Pardons and Paroles under circumstances specified in subsection (d) of
184 this section may use deadly physical force to effect an arrest or to
185 prevent an escape from custody only when: (1) He reasonably believes
186 such to be necessary to defend himself or a third person from what he
187 reasonably believes to be the use or imminent use of deadly physical
188 force; or (2) he is directed or authorized by such peace officer or official
189 to use deadly physical force, unless he knows that the peace officer or
190 official himself is not authorized to use deadly physical force under the
191 circumstances.

192 (f) A private person acting on his own account is justified in using
193 reasonable physical force upon another person when and to the extent
194 that he reasonably believes such to be necessary to effect an arrest or to
195 prevent the escape from custody of an arrested person whom he
196 reasonably believes to have committed an offense and who in fact has
197 committed such offense; but he is not justified in using deadly physical
198 force in such circumstances, except in defense of person as prescribed
199 in section 53a-19.

200 Sec. 7. Subsection (a) of section 53a-167c of the general statutes is
201 repealed and the following is substituted in lieu thereof (*Effective from*
202 *passage*):

203 (a) A person is guilty of assault of public safety or emergency
204 medical personnel when, with intent to prevent a reasonably

205 identifiable peace officer, firefighter or employee of an emergency
206 medical service organization, as defined in section 53a-3, emergency
207 room physician or nurse, employee of the Department of Correction,
208 member or employee of the Board of Pardons and Paroles, probation
209 officer, employee of the judicial branch assigned to provide pretrial
210 secure detention and programming services to juveniles accused of the
211 commission of a delinquent act, employee of the Department of
212 Children and Families assigned to provide direct services to children
213 and youth in the care or custody of the department, employee of a
214 municipal police department assigned to provide security at the police
215 department's lockup and holding facility or active individual member
216 of a volunteer canine search and rescue team, as defined in section 5-
217 249, from performing his or her duties, and while such peace officer,
218 firefighter, employee, physician, nurse, member, probation officer or
219 active individual member is acting in the performance of his or her
220 duties, (1) such person causes physical injury to such peace officer,
221 firefighter, employee, physician, nurse, member, probation officer or
222 active individual member, or (2) such person throws or hurls, or
223 causes to be thrown or hurled, any rock, bottle, can or other article,
224 object or missile of any kind capable of causing physical harm, damage
225 or injury, at such peace officer, firefighter, employee, physician, nurse,
226 member, probation officer or active individual member, or (3) such
227 person uses or causes to be used any mace, tear gas or any like or
228 similar deleterious agent against such peace officer, firefighter,
229 employee, physician, nurse, member, probation officer or active
230 individual member, or (4) such person throws or hurls, or causes to be
231 thrown or hurled, any paint, dye or other like or similar staining,
232 discoloring or coloring agent or any type of offensive or noxious
233 liquid, agent or substance at such peace officer, firefighter, employee,
234 physician, nurse, member, probation officer or active individual
235 member, or (5) such person throws or hurls, or causes to be thrown or
236 hurled, any bodily fluid including, but not limited to, urine, feces,
237 blood or saliva at such peace officer, firefighter, employee, physician,
238 nurse, member, probation officer or active individual member.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	1-24
Sec. 2	<i>from passage</i>	1-217(a)
Sec. 3	<i>from passage</i>	14-10(e)
Sec. 4	<i>from passage</i>	46a-152(g)
Sec. 5	<i>from passage</i>	51-5c(b)
Sec. 6	<i>from passage</i>	53a-22
Sec. 7	<i>from passage</i>	53a-167c(a)

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Correction, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various minor and technical changes that have no fiscal impact.

OLR Bill Analysis

HB 6888

**AN ACT CONCERNING EMPLOYEES OF THE BOARD OF
PARDONS AND PAROLES****SUMMARY:**

PA 04-234 and PA 04-257 made a number of changes to make the Department of Correction responsible for supervising parolees instead of the Board of Pardons and Paroles. Those acts also removed references to parole officers or employees in a number of statutes. This bill reinstates Board of Pardons and Paroles employees in a number of these statutes. It:

1. gives board employees the power to administer oaths in the performance of their assigned duties;
2. prohibits public agencies from disclosing board employee residential addresses;
3. limits disclosure of personal information in motor vehicle records when the board employee submits a written request and gives his business address;
4. justifies the use of physical force by a board employee who is responsible for supervising people released on parole while performing his duties, related to restrictions on physical restraint in certain institutions other than correctional facilities;
5. allows the chief court administrator to grant access to information in the protective order registry to board personnel for use in performing their duties;
6. justifies the use of physical force or deadly physical force by authorized officials of the board when making an arrest under a warrant or preventing escape, and justifies use of force by others directed by the authorized official to assist in the arrest or to prevent escape; and

7. makes assault of a board employee under certain circumstances punishable by the crime of assault of public safety or emergency medical personnel (this crime is a class C felony punishable by one to 10 years in prison, a fine of up to \$10,000, or both).

EFFECTIVE DATE: Upon passage

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0